

Appln. No. 09/691,504

Amendment and Response Under 37 C.F.R. § 1.111 of August 12, 2004

Reply to Office Action of February 13, 2004

### **REMARKS**

Claims 18, 55, and 78 and have been amended. Claims 18, 55 and 78 have been amended to clarify the selection of IL-2 as the species of immunostimulatory molecule (both first and second species) as well as the timing of the administration of the first part of the vaccine. Claims 1-17, 23-28, 39-54, 64-69, 85, 87 and 96-101 are canceled. Claims 18-22, 29-38, 55-63, 70-84, 86, 95 and 102-107 are pending in this application.

Favorable reconsideration of the subject application is respectfully requested in view of the comments below.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH**

Claims 18-23, 26, 29-38, 55-64, 67, and 70-96 have been rejected as not being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention.

To expedite prosecution of the application, claims 18, 38, and 55, have been amended as suggested by the examiner. The present claim amendments render this ground of rejection moot and, accordingly, request withdrawal of this ground of rejection.

### **Claim rejections under 35 U.S.C. § 103**

The Examiner alleges that claims 18-23, 26, 29-38, 55-64, 67, 70-96, 99, and 102-107 are obvious under 35 U.S.C. § 103 in light of a combination of Nestle *et al.* ("Nestle") in view of Sivandandham *et al.* ("Sivandandham"). The Examiner states that Nestle teaches methods of vaccinating patients with patient-derived dendritic cells pulsed with melanoma tumor lysate.

Applicants submit that the present claim amendments render this ground of rejection moot. However, in as much as the rejection applies to the presently amended claims, applicants submit the following remarks. Taken together, none of the cited references teach or suggest the presently claimed treatment of cancer with a combination of a two part vaccine that includes an immunostimulating molecule, wherein the immunostimulating molecule is

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IL-2 and the first part of the vaccine is administered approximately 30 minutes before the second part of the vaccine. Furthermore, the cited references do not "fairly suggest" the use of said two part vaccine wherein the first part of the vaccine is administered approximately 30 minutes before the second part of the vaccine.

Accordingly, Applicants respectfully assert that the combination of Nestle with Sivandandham do not suggest or teach the presently claimed invention. Applicants, therefore, respectfully request withdrawal of this ground of rejection.

### CONCLUSION

In view of the foregoing amendments and remarks, it is firmly believed that the subject invention is in condition for allowance, which action is earnestly solicited.

The Office is hereby authorized to charge Deposit Account No. 11-0600 with any additional fees required by this paper or credit any overpayment.

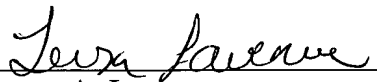
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned directly at (202) 220-4258.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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